IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 212 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HIMATLAL KESHAVLAL

Versus

KHATRI NIRMALABEN NANJIBHAI

Appearance:

MR SURESH M SHAH for the Petitioner

MR VC DESAI for the Respondent

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 21/10/2002

ORAL JUDGEMENT

This Revision Application under Section 29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 has been preferred by the appellant - defendant

against the judgment and order dated 13th February, 1987 passed by the learned Assistant Judge, Ahmedabad (Rural), Narol in Regular Civil Appeal No.60/1982.

The learned advocate Mr.VC Desai appearing for the respondent - plaintiff states that both the Courts below have passed decree for possession of the suit premises on the ground that defendant - tenant was not ready and willing to pay the rent. He has also submitted that though the trial Court had also passed the decree for possession on the ground of non-user of the suit premises without reasonable cause, the same has been wrongly reversed by the lower Appellate Court. But, he states that pending this Revision Application the matter has been settled out of the Court and agreement dated 11th September, 2000 has been entered into by and between the parties. Under the said agreement, the possession of the suit premises has been handed over to the plaintiff on 11th September, 2000. The parties have also agreed that the amount of rent deposited in the Court be withdrawn by the plaintiff.

Copy of the above referred agreement dated 11th September, 2000 produced by Mr.Desai is ordered to be taken on record.

In view of this agreement, the Revision Application shall not survive. Accordingly, the same is disposed of. Interim stay is vacated. Rule is discharged. There shall be no order as to costs. The respondent - plaintiff shall be entitled to withdraw the amount of rent deposited in the Court.

(Ms. R.M. Doshit, J.)
/sakkaf